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EARLY LOUISIANA AND HER SPANISH WORLD: 4 November, 2016

Posted on [20/07/2016](#) by [John Cairns](#)

Our colleagues Seán Patrick Donlan of the School of Law of the University of the South Pacific and Vernon Palmer of the Tulane Law School have organised what promises to be an important conference on 4 November 2016, exploring the very significant role that Spain, Spanish culture, Spanish government, and Spanish ultramarine law played in Louisiana. This is a central topic requiring further investigation to help us understand not just the history but also the legal histories of Louisiana, the USA and Spanish colonialism.

In the 1970s, there was a lively debate between Professors Pascal and Batiza over the sources of the *Digest of the Civil Laws now in Force in the Territory of Orleans* of 1808. The latter showed that the overwhelming majority of the articles originated in French law; the former argued that they were Spanish in origin, if sometimes put in “French dress”. There can now be no doubt that the majority of the articles of the *Digest* were taken from the *Code civil des français* and its *Projet* of 1800; there was not a sustained attempt to embody “Spanish law” in “French dress”. This specific point has been fully explored in your blogger’s work, *Codification, Transplants, and Legal History: Law Reform in Louisiana (1808) and Quebec (1866)* (Clark, N.J.: Talbot Publishing, 2015), where he shows how and why the redactors used the sources they did. This work resolves the Batiza-Pascal debate. Nonetheless, there was a revival of the Spanish law in the decades following the promulgation of the *Digest*.

The significance of Spanish law and culture cannot be denied. Under Spain, the colony of Louisiana developed and flourished. The impact of Spanish law and customs and their influence on the law and culture require to be teased out. Of course, important work has already been done. One can point, for example, to the writings of Gilbert C. Din, on, to give two topics, slavery and the Cabildo. Others have also explored various issues. Given current historiography it is no surprise that slavery features in such work on Spanish Louisiana, including as well as the study of Din, a pioneering study by Hans Baade published as long ago as 1983.

The conference will cover: “Lawyers of Early New Orleans” by Kenneth Aslakson (History, Union College); “Spanish Law, Encyclopaedias, and the Digest of 1808” by John W Cairns (Law, Edinburgh); “Through a Glass Darkly: The Minor Judiciary of Feliciana, c1803-1810”, by Seán Patrick Donlan (Law, South Pacific); “‘The Spanish Spirit in This Country’: Newcomers to Louisiana in 1803-1805, and Their Perceptions of the Spanish Regime” by Eberhard (Lo) Faber (Music, Loyola); “A Confusion of Institutions: Spanish Law and Practice in a Franco-phone Colony Louisiana, 1763-c1798” by Paul Hoffman (History (Emeritus), Louisiana State); “A Dark Legacy of Spanish Governance: The Tradition of Extra-Legal Violence in Louisiana’s Florida Parishes” by Samuel C Hyde, Jr (History, Southeastern Louisiana); “The Supreme Court, Florida Land Claims, and *Derecho Indiano*” by MC Mirow (Law, Florida International); “Allegiance and Privilege: William Pantón and the Spanish Realm” by David Narrett (History, Texas at Arlington); “Reclaiming Homes across the Florida Straits” by Susan Richbourg Parker (Former President, St Augustine Historical Society); “The Prosecution of Clement: Slave Violence and Spanish Legal Process in New Orleans, 1777-78” by Jennifer M Spear (History, Simon Fraser University); “Entangled Lives, Entangled Law: Women of Property in early Louisiana” by Sara Brooks Sundberg (History, University of Central Missouri).

It is easy to see the importance of these topics. All are interesting and it is good to note those that link Louisiana with other Spanish colonies and their cultures. There are themes that stand out: slavery, free people of colour, women, violence, links and comparisons. But this is a rich mix of topics that should open up many new avenues of research, creating a picture of a complex society, ethnically diverse, with tensions raising from that diversity as well as from slave-owning and the presence of large numbers of “free people of colour”.



(Photos courtesy Georgia Chadwick)

For full details of the conference and the papers, click on the link:

[Early Louisiana and Her Spanish World – Abstracts \(June 2016\)](#)

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